



Western-Pacific Region Airports Division



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Runway Safety Program

The FAA Administrator published a "National Blueprint for Runway Safety" in her October 2000 Runway Safety Program (RSP), which contains 60 major initiatives grouped in seven categories addressing: 1. Training; 2. Technology; 3. Communications; 4. Procedures; 5. Airport Pavement Marking, Lighting and Airfield Guidance Signs; 6. Data Analysis and Metrics; and 7. Local Solutions. These categories will be used to achieve a measurable reduction in runway incursions and enhance the safety of the runway environment. The "Blueprint" structures an iterative process designed to identify and understand the problem, select a solution action plan, initiate implementation, evaluate results, accelerate effective solutions, and reassess options when necessary.

A runway incursion occurs when an aircraft, ground vehicle, or pedestrian transgresses on an active runway while it is being used by another aircraft attempting to land or takeoff. An aircraft, ground

vehicle or pedestrian deviation occurs when the transgression of the aircraft movement area is not authorized by the air traffic control tower.

The RSP goal is designed to execute a coherent corporate action plan that will effectively reduce runway incursions. Incursions are likely to continue to increase due to the nation's 3% annual growth in air travel unless concerted action is taken to address a full spectrum of potential causative factors.

--David Kurner, Runway Safety Program
Manager
and
Ellsworth Chan, Safety and Standards
Branch Manager

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Letter of Credit

To improve administrative efficiency and timeliness of Airport Improvement Program (AIP) grant reimbursements, we urge you to consider requesting Federal Aviation Administration (FAA) authorization to receive grant payments through the "Letter of Credit (LOC)" process. This method allows the U.S. Treasury to deposit funds in your specified bank account for reimbursement of AIP project expenses.

The sponsor must comply with the following criteria from FAA Order 2700.33 pertaining to the Treasury Financial Communications System (TFCS) to receive

LOC authorization:

1. Grant reimbursements totaling \$120,000 or more must occur within a 12-month period.
2. The sponsor's accounting system must demonstrate that a time lapse between Treasury deposits and sponsor disbursement of those deposits will be minimal.
3. The sponsor's fund control and accountability with its financial management system must comply with common grant management rules prescribed in Title 49 Code of Federal Regulations Part 18.
4. LOC reimbursement requests are initiated by using Treasury Financial System (TFS) Form 5805.

5. The sponsor must prepare and submit to the FAA, a Standard Form 272 "Report of Federal Cash Transaction" on December 15th, March 15th, June 15th, and September 15th annually.
6. If a sponsor qualifies for LOC, the next grant will include a special provision that states: "The sponsor agrees to request cash drawdowns on the letter of credit only when actually needed for its disbursements and to timely reporting of such disbursements as required. It is understood that failure to adhere to this provision may cause the letter of credit to be revoked."

Sponsors with LOCs will no longer submit Standard Forms 270 and 271 payment requests that contain project progress information, as well as fiscal information.

If you believe your financial management system can and will comply with the above criteria, please contact us (Northern Arizona and Nevada 650/876-2823; Southern California 310/725-3621; & Arizona 310/725-3632) to request LOC authority consideration.

--Ellsworth Chan, *Safety and Standards*
Branch Manager

Training for Persons Who Have Access to the Airfield

For runway safety, airport operators and the aviation community must pay attention to safety of ground operations. The complexity of today's airport operations have the potential for creating unsafe conditions, especially where aircraft, vehicles and even pedestrians may find themselves on active runways and taxiways in direct conflict with aircraft. Such incidents can have tragic results.

Airport operators need to establish a training program to familiarize their employees, airport tenants and users of safe airport movement area

procedures. Some of the subjects covered in this training should include airport layout; radio communications and terminology; and especially airport marking, lighting and signage.

Airports with an Airport Operating Certificate issued under 14 CFR Part 139 are required to demonstrate compliance with 14 CFR Section 139.329. This requires procedures for employees, tenants or contractors for the safe and orderly ground vehicle

access and operation on the movement area and safety areas. This includes provisions identifying the consequences of noncompliance.

Last year, the Safety Section distributed "Airport Ground Vehicle Operations." The guide offered a general overview of safe procedures for driving on an airport. Please review the publication and use it as a guide in developing a driver-training program at your airport.

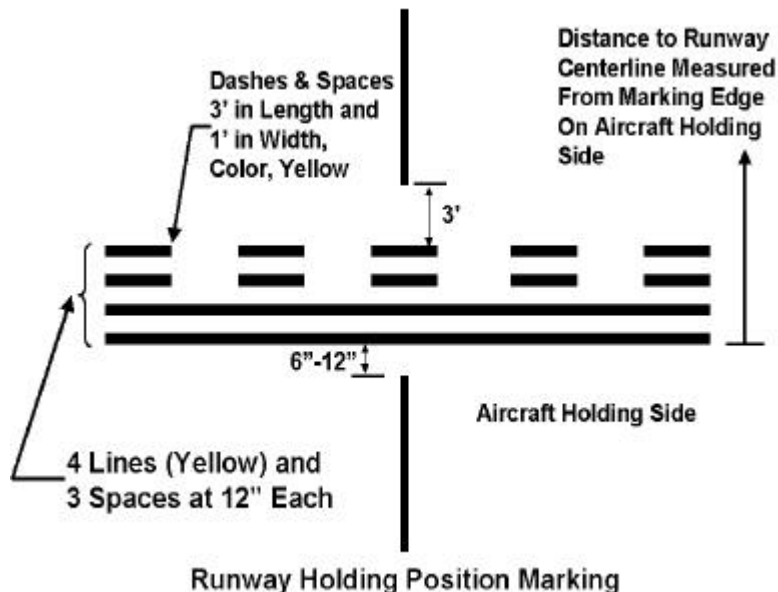
We all need to do what we can to help reduce the number of surface incidents and runway incursions. Start by educating your airport employees and airport users. If you would like an additional copy of the "Airport Ground Vehicle Operations" guide, fax your request to (310) 725-6849, Attn: AWP-622.1

—Elizabeth Louie, Airports Cert Inspector

Runway Holding Position Markings at Airports with an ATCT or a 14 CFR Part 139 Certificate



The FAA has established, as one of its top safety priorities, the reduction of the number of runway incursions. One of the top initiatives that came out of several forums that the agency held with the aviation industry was the recommendation to increase the size and contrast of holding position markings on the airfield.



The FAA issued on December 1, 2000, Change 1 for Advisory Circular 150/5340-1H, Standards for Airfield Markings. This document includes the change to double the size of Runway and ILS Holding Position Markings, including a black background and glass beads.

This standard applies to Runway and ILS Holding Position Markings at all airports that have an air traffic control tower (ATCT) or are certificated under 14 CFR Part 139. These airports are to comply with the new standard as soon as possible, but not later than September 30, 2002. However, airports that do not have an ATCT or are not certificated under 14 CFR Part 139, may continue to comply with the previous standard.

Each airport with an ATCT or certificated under 14 CFR Part 139, was sent a letter dated December 27, 2000, from the FAA Acting Associated Administrator for Airports. In addition, each of these airports in the Western-Pacific Region was sent a letter dated January 23, 2001, from the FAA Western-Pacific Region Airports Division. These letters emphasized the need to have this new standard in place as soon as possible and that the FAA is able to offer assistance and requested each airport's plan to comply with the change no later than February 28, 2001.

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We encourage you to contact your FAA Airports Division Program Engineer with any questions that you might have and to discuss your airport's implementation plan.

To obtain a copy of Change 1 for Advisory Circular 150/5340-1H, Standards for Airport Markings, contact the FAA Airports Division or District Office. You can also download the document from the internet at <http://www.faa.gov/arp/pdf/5340-1h1.pdf>.

--Chuck McCormick, Electrical Engineer

New Pavement Maintenance Eligibility

Section 123 of AIR-21 adds a new section 47102(3)(H), permitting AIP funds to be used for routine work to preserve and extend the useful life of runways, taxiways, and aprons at non-primary airports.

The new law repeals 49 USC 47132, which temporarily allowed pilot projects for pavement maintenance, as described in Program Guidance Letter (PGL) 97-3.2. The pilot program was established in accordance with section 132 of the Airport and Airway Safety, Capacity, Noise Improvement and Intermodal Transportation Act of 1992. Under the pilot program, pavement maintenance was reviewed at non-hub and non-primary airports. This review resulted in a determination that the AIP eligibility of pavement maintenance at small airports would be cost effective.

Pilot pavement maintenance grants were issued to five states and one airport sponsor during fiscal years 1997 to 1999. Fifty-two individual airports benefited from projects. The overall average cost per airport is \$23,446. The costs per airport ranged from \$10,310 to \$66,667. The wide range of costs resulted from two states and the airport sponsor having projects in both fiscal years 1997, as well as 1998. State apportionment funds were used for these grants.

This marks the first significant involvement of federal financial assistance in a routine airport maintenance cost. Capital improvements costs, rather than maintenance, have normally been associated with the AIP. As such, we need to be aware of the ramifications of blurring the line between maintenance versus capital costs with respect to grant obligations. Sponsors are obligated to operate and maintain their airfield in a safe and serviceable condition. The guidance for pavement maintenance projects below are based in part on this concern.

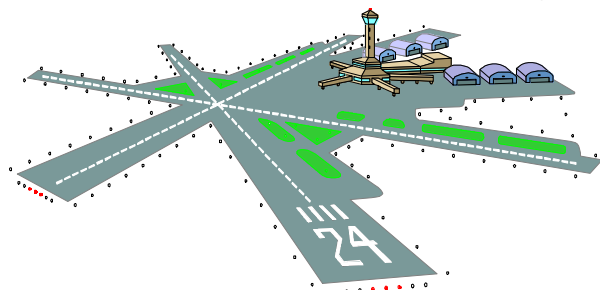
Routine maintenance work is defined as the "CLEANING, FILLING, AS WELL AS SEALING OF LONGITUDINAL AND TRANSVERS CRACKS ON A PERIODIC BASIS." This includes grading the edge of pavement, cleaning the drainage facilities, patching of the paved areas, seal coats, and airfield remarking.

Ineligible pavement maintenance includes the "COSTS OF WHAT MAY COMMONLY BE DESCRIBED AS FREQUENT SWEEPING TO REMOVE MUD, DIRT, SAND, AGGREGATE, DEBRIS, FOREIGN OBJECTS, WATER, SNOW, ICE AND OTHER LOOSE CONTAMINANTS."

The FAA must determine that the sponsor has insufficient financial capability in order to make the new pavement maintenance projects eligible. Based on our evaluation of the pilot work, **eligibility of maintenance projects is limited to the following criteria:**

- ◆ The sponsor must be unable to fund maintenance under the grant assurances, using its own resources. This will include a determination that the transferring of necessary funds to the airport from other accounts of the sponsor was either illegal at the time of the applicable grant agreements or is not sufficient for adequately maintaining the pavements.
- ◆ The sponsor shall agree to undertake and keep current at least the minimum pavement maintenance program as required in PGL 95-2. The special condition of the PGL must be understood by the sponsor and included in maintenance projects. This will require continuing oversight by the region to ensure that a maintenance action plan is in place for forming partnerships with local or state entities.
- ◆ Where the sponsor of a maintenance project is a state aviation agency, pavement condition tracking for the airports included should be a current part of the state's airport system planning.

--Ellsworth Chan, Safety and Standards
Branch Manager



Aircraft Rescue and Firefighting Training

Big Bend Community College is hosting their 55th Spring Aircraft Rescue and Firefighting (ARFF) Training May 16-19, 2001 in Moses, Lake Washington. The 4-day ARFF Course, including the live fire, will satisfy 14 CFR Part 139 requirement for initial ARFF training.

A 1-day refresher will be held on Sunday, May 20 from 8am – 5pm. The Spring Night Fire is scheduled on May 24th from 3pm – 1200am. The 1-day refresher and Night Fire will satisfy the requirement for the ARFF firefighter annual live fire drill.

Enrollment slots are limited to 36 participants on a first-come-first serve basis. Application deadline is May 4, 2001.

For information packages contact Val Harvey, Big Bend Community College at (509)762-3614 or at valh@bbcc.ctc.edu. There is an air connection into Grant County International Airport (Moses Lake).

--Bill Critchfield, Lead Certification Inspector



Websites

- The FAA Form 5010, Airport Master Record Information of the GCR and Associates program is available at:
<http://www.gcr1.com/5010web/default.htm>.
- The interim final rule revising the Department of Transportation's regulations for its Disadvantaged Business Enterprise (DBE) program can be found at <http://osdbuweb.dot.gov/conferences/interimfinalrule.htm>.
- The Washington Headquarters Directives, which include guidance or instructions that describe, establish, or explain FAA policies, organization or procedures are located at http://www.faa.gov/aba/html_policies/index.html.
- The new PFC program application FAA Form 5500-1 dated August 2000 (with \$4 and \$4.50 collection) is available at http://www.faa.gov/arp/app_form.doc.
- The following site includes the technical report which contains the description of procedures that are required for the development of airport grant proposals:
<http://www.faa.gov/arp/app600/600home.htm>. The technical report includes the methodology for airports to use in calculation of vehicle emissions benefits and project costs to support the FAA Inherently Low Emission Airport Vehicle Pilot Program. The program, which is required by the provisions of AIR-21, assists airports located in air quality non-attainment areas to acquire low emission vehicles.
- The AIP grant application can be found at <http://www.awp.faa.gov/ops/awp600/grants.htm>.
- New provisions of 49 CFR Part 24, became effective March 15, 1999, which preclude relocation assistance and payments to persons in unlawful occupancy in the United States. The airport sponsor may meet the self-certification requirements of the new provisions by using the updated FAA relocation claim forms, FAA Forms 5100-124 and 125 currently available at: <http://www.faa.gov/arp/app600/600home.htm>.
- All rulemaking, related regulatory guidance and participating in FAA rulemaking is at: <http://www.faa.gov/avr/armhome.htm>. This site includes recently published rules, notices of proposed rulemaking, advisory circulars, operational manuals, statutes, executive orders, federal register information, advisory committee information, and much more.

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--*Sam Iskander, Airports Program Specialist*

Through-the-Fence Airport Access

(An Intrusion on Proprietary Power)

There are instances when the owner of a public airport proposes to enter into an agreement which permits access to the public landing area by aircraft based on land adjacent to, but not part of, the airport property. This type of an arrangement is commonly called a through-the-fence operation, whether the perimeter fence is imaginary or real. It is Federal Aviation Administration (FAA) policy to discourage through-the-fence agreements.

The obligation to make an airport available for the use and benefit of the public does not impose any requirement to permit access by aircraft from adjacent property. On the contrary, the existence of such an arrangement has been recognized as an encumbrance upon the airport property itself. Airport obligations arising from federal grant agreements and conveyance instruments apply to dedicated airport land and facilities and not to private property adjacent to the airport, even when the property owner is granted a through-the-fence privilege.

The owner of a public airport is entitled to seek recovery of the initial and continuing costs of providing a public use landing area. The owners of airports receiving federal funds have been required to establish a fee and rental structure designed to make the airports as self-sustaining as possible. Most public airports seek to recover a substantial part of airfield operating costs indirectly through various arrangements affecting commercial activities on the airport. The development of aeronautical businesses on land uncontrolled by the airport owner may give the through-the-fence operation a competitive advantage that will be detrimental to the on-airport operators on whom the airport owner relies for revenue and service to the public. To avoid a potential imbalance, the airport owner may refuse to authorize a through-the-fence operation. In an effort to equalize an imbalance of existing through-the-fence operations, the airport owner should obtain a fair return from off-airport operators in exchange for continuing access to the airport and use of the landing area.

Although airports do not need and should avoid through-the-fence arrangements, circumstances may arise which compel an airport owner to contemplate a through-the-fence operation. In this situation, the airport owner must plan ahead to formulate a prudent through-the-fence agreement and obtain just compensation for granting access to the airport because the airport is enfranchising a special class of airport users who will be permitted to exercise an exclusive through-the-fence privilege.

In making airport facilities available for public use, the airport owner must make the airport as self-sustaining as possible under the particular circumstances at the airport. The FAA has interpreted the self-sustaining assurance to require airport owners to charge fair market value (FMV) commercial rates for nonaeronautical uses of the airport. In conformity with the self-sustaining principle, it would be appropriate to charge FMV rates to off-airport users for the exclusive privilege of accessing the airport through the fence. In formulating a through-the-fence agreement, the airport owner should endeavor to establish terms that are beneficial to the airport. For example, the adjacent developer or landowner should be made to finance the necessary improvements and maintenance of the facilities and infrastructure connecting the adjacent land to the airport's landing area. Recurring payments should be based on use rather than on flat rates. Agreements should contain provisions allowing the airport to terminate through-the-fence access permits for cause.

In addition, the airport owner must restrict the uses that may be made of the adjacent land as a condition for granting a through-the-fence privilege. Private property owners must be asked to enter into agreements that prohibit public aeronautical commercial operations. Simply stated, they should not be allowed to operate as fixed based operators (FBO) offering aeronautical services to the public. Such FBO operations, if allowed, would give private property operators an advantage over on-airport operators. Allowing private property owners

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to gain a competitive advantage will jeopardize the economic vitality of the airport and impede its ability to remain self-sustaining. Additionally, any economic advantage gained by adjacent property owners will diminish the economic viability of the airport's own aeronautical commercial operators.

Arrangements that permit aircraft to gain access to a public landing area from off-site property introduce safety considerations along with additional hazards that complicate the control of vehicular and aircraft traffic. Airport improvements designed to accommodate access to the airport and landing areas from an off-site location for the sole benefit and convenience of an off-airport neighbor present a substantial and continuing burden to the airport owner. In addition, the airport must contend with legal, insurance, and management implications represented by increased costs, liability, and administrative and operational controls. For the airport owner, it may become an unexpected challenge to balance airport needs with the increasing demands on the airport by off-airport users.

It is FAA policy to strongly discourage any agreement that grants access to public landing areas by aircraft normally stored on adjacent property. Airport owners must guard against any through-the-fence operation that can become detrimental to the airport and threaten its economic viability. Any agreement for a through-the-fence operation must include provisions making such operations subject to the same federal obligations as tenants on airport property. Furthermore, the airport owner must ensure that the through-the-fence operators contribute a fair share toward the cost of the operation, maintenance, and improvement of the airport and that they do not gain an unfair economic advantage over on-airport operators.

Any airport contemplating a through-the-fence permit is strongly encouraged to submit the proposal to the FAA for review and comment prior to executing any agreement.

Sponsors are encouraged to file the above “Through the Fence” policy guidance for future reference.

--Anthony Garcia, Compliance Specialist

***The goal of this publication is to report and inform our readers.
Comments, suggestions and ideas for future articles are encouraged from our readers.
Please forward to AirporTopics, AWP-610A, P.O. Box 92007, WPC, Los Angeles, CA 90009.***

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